

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, April 8, 2008  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Schlapp; Skelton, and Williams present, (Longwell absent with prior notice).

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

The pledge of allegiance was participated in by the Council Members, Staff and guests.

Monsignor James Conley, gave the invocation.

The Minutes of the regular meeting of April 1, 2008, approved 6 to 0, (Longwell absent).

**SELECTION OF VICE-MAYOR**

Council Member Skelton Council Member Skelton stated we have had a discussion about this and traditionally it has been the practice of the Council to select a Vice-Mayor on a rotating basis and he spoke with members of the Council about this and he was supposed to be selected Vice-Mayor. Stated it is his choice not to be Vice-Mayor at this time because he feels that he has reached a happy medium in his life with being a Councilmember and is happy doing what he is doing right now and has a lot of things going on in his life and that is about all he wants right now.

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**BALLOT SELECTION OF VICE-MAYOR**

The City Clerk collected the ballots and announced that Council Member Schlapp was voted to be the next Vice-Mayor with a vote of 5 to 1.

Mayor Brewer Mayor Brewer stated before we do the swearing in ceremony, he feels that it is appropriate to take care of some other things and come back to give Council Member Schlapp's family time to arrive.

Motion-- Brewer moved to have a change in the order and do the proclamations and the services. Motion  
--carried carried 6 to 0, (Longwell absent).

**AWARDS AND PROCLAMATIONS**

--Proclamations Proclamations:

Mayor Brewer read aloud the following Proclamations:

Week of the Young Child  
International Student Recognition Days

--Service Citation Distinguished Service Citation: Martin D. Leidy, Sr.

Mayor Brewer recognized and presented Mr. Leidy with a plaque for his 24 years and 8 months with the Office of Central Inspection.

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--Award

## **AWARD PRESENTATION FROM MAYOR BREWER TO**

Mayor Brewer

Mayor Brewer stated we are getting ready to make some changes at City Hall and this year during his first tenure, has been an exciting and moving at a rapid pace. Stated it has required a lot of commitment on behalf of the City Council Members and Staff to change the image and the direction of where the Council is going and to accept responsibility and create new relationships. Stated it calls for individuals to go above and beyond the call of duty as opposed to just their positions and their jobs or as policymakers of being part-time Council Members, part-time Vice-Mayors, or representatives of District VI. Mayor Brewer asked that Vice-Mayor Fearey come down to the podium for her last and final act and presented her with a Keeper of the Plains statue. Stated he would like to take this opportunity to recognize Vice-Mayor Fearey for her work and commitment of being Vice-Mayor of the largest City in the State of Kansas and the 50<sup>th</sup> largest city in the United States.

Vice-Mayor Fearey

Vice-Mayor Fearey stated she is lucky that she loves her job and that this is the busiest part-time job that she has ever had but is a job that she loves and she loves to help solve problems and move the City forward and feels very honored and lucky and has really enjoyed working with this Council. Stated they are amazing and thinks that they all work well together and feels that in the last year with some new people on the Council and what they have been doing, that they have moved our City forward and looks forward to one more year of getting to work with everybody.

--Oath of Office

## **VICE-MAYOR OATH OF OFFICE**

Mayor Brewer

Mayor Brewer asked Council Member Schlapp, her family, and the children from Clark Elementary School to come forward and was sworn in as Vice-Mayor by Judge Jennifer Jones.

Vice-Mayor Schlapp

Vice-Mayor Schlapp stated that Council Member Fearey has done a great job and is very proud and privileged to follow her and hope that she can do half the job. Stated this is a huge honor and thanked Monsignor Conley, her family, her adopted family the children of Clark Elementary School, and her DAB members. Stated this Council has formed a bond that is unbelievable and it is amazing what this group of people have done. Stated it is about all of us coming together and understanding what this City is comprised of, which is people who serve, families that work together, and the youth of tomorrow.

--Comments

## **COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS**

Mayor Brewer

Mayor Brewer stated today is an exciting day and he will meet with the new Vice-Mayor to talk about the direction that the City is going and what the expectations are and what they would like to see. Stated he cannot thank Council Member Fearey for what she has done and looks forward to working with her during the rest of her tenure as the District VI City Council person.

Council Member Fearey

Council Member Fearey stated she is looking forward to having Vice-Mayor Schlapp in this seat and working with her. Stated Vice-Mayor Schlapp has a deep love for the City and they have found a lot of common ground to work with and work on and will be doing that for the next year.

Council Member Gray

Council Member Gray stated he has enjoyed his time working with Council Member Fearey and it has been a positive effort for both of them and appreciates the opportunity to have done that. Stated he hopes to have the same opportunity with Vice-Mayor Schlapp, to work on various things together and it is a definite contrast to the first four years that they all worked together.

Council Member Williams

Council Member Williams stated the people that you see before you, helped make her transition very enjoyable and thanked Council Member Fearey for all the hours she spent as a mentor and helped her with many activities and things that needed to be done. Stated she looks forward to working with Vice-Mayor Schlapp and there are many things that they are planning on accomplishing and that she and the Vice-Mayor share a love of youth.

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Council Member Skelton Council Member Skelton stated that Council Member Fearey has done a good job of coming in and asking for his opinions. Stated he appreciated her service in the capacity of Vice-Mayor to this community and it has meant a lot to him when she would come and talk to him and that he has always felt welcome in her office. Stated he hopes to establish those same standards with Vice-Mayor Schlapp.

## PUBLIC AGENDA

### Hattie Irving-Autism Awareness Association, Inc.

Hattie Irving Ms. Irving stated she is one of the founders of Autism Awareness Association, Inc, which was founded by seven passionate people and families who have been greatly affected with autism. Stated they came together and started this organization because they noticed from their own experiences, the lack of support, resources, and advocacy for the families in Wichita, who have been affected by this debilitating disease and believe that all of us working together towards prevention and a cure, is the only answer. Stated there are five of the members present and would like to let Wichita know that they are here and have heard the cries of their families and other families and now the challenge is whether or not the Council will hear their cries.

Dana Swope Ms. Swope stated she is the mother of a nine year old boy who has autism and the inspiration behind starting this organization. Stated through her journey with him throughout his life and school and how it has affected him and their family, she found that there is a great need in our community and state for autism awareness to empower the community, the parents, the caregivers, and everyone that is affected by this disease. Stated she is honored to be a part of this organization and hopes that the Council will give them the support that they need to get this going for anyone who is affected with autism and that one in every 50 child is affected by autism and in Wichita, Sedgwick County, there is over 700 to 800 families affected by this disease and would love the support of the Council.

Unidentified Stated they would like to thank the City Council for allowing them this opportunity and their purpose for being here this morning is that they need a building to provide some of the services that they have planned and asked the Council to consider their request.

## UNFINISHED COUNCIL BUSINESS

John Schlegel Planning Director reviewed the item.

### **DR2007-05: PROPOSED AMENDMENTS TO THE UNIFIED ZONING CODE PERTAINING TO THE REGULATION OF WIRELESS COMMUNICATION FACILITIES.**

Agenda Item No. 2.

On June 5, 2007, the City Council voted to initiate an amendment of the Unified Zoning Code regulations pertaining to wireless communication facilities. Initiating the amendment indicated a City Council desire to consider changes to the regulation of wireless communication facilities and commenced a public input and review process to consider the proposed changes. The public input and review process consisted of:

#### Activity Date(s)

City Council authorization of zoning code text amendments

June 5, 2007

Review of proposed amendments with wireless industry

July 10, 2007

Review of proposed amendments with District Advisory Boards

August 1 & 6 and September 10 & 19, 2007

Review of proposed amendments with Park Board

October 8, 2007, February 11, 2008 and March 10, 2008

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Planning commission review of proposed amendments

October 18, 2007

The proposed amendments are shown in detail in an attached document entitled "Proposed Amendments to Wireless Communication Facility Regulations." In summary, the proposed amendments address:

1. Presently, all properties are eligible for an administratively-approved tower, depending upon the height of the proposed tower and the zoning of the property. If the proposed amendments are adopted, a tower would have to be located on a designated property in order to be administratively approved. The proposed amendments significantly reduce the number of properties where a tower could be administratively approved and make a map available for public information that designates all the properties that are eligible for administrative approval of a tower.
2. Adjustments to the height and setback criteria for administratively-approved towers are proposed. Taller towers could be approved administratively in the "NO" Neighborhood Office; "GO" General Office; "NR" Neighborhood Retail, and "LC" Limited Commercial zoning districts. Administratively-approved towers would be required to comply with a setback requirement from low-density residential properties equal to one foot of setback per foot of tower height.
3. Presently, a new tower must be permitted if it is less expensive than locating antennas on existing towers. The proposed amendments eliminate this "economic feasibility" requirement, meaning that a new tower need not be approved simply because it is less expensive than locating antennas on existing towers.
4. The proposed amendments clarify that the regulations also apply to properties governed by a Protective Overlay District or a Community Unit Plan.
5. The proposed amendments include updates to the aircraft warning light regulations to comply with changes in Federal regulations.
6. The proposed amendments clarify the parties responsible for the removal of unused towers.

Each of the District Advisory Boards voted to recommend approval of the proposed amendments. With the exception of DAB II, each of the DABs recommended approval of the proposed amendments as recommended by staff. DAB II recommended changing the proposed amendments to require notification of adjacent property owners of tower requests even for applications for an administratively-approved tower. A summary of the DAB comments and recommendations is attached.

The Wichita Board of Park Commissioners voted to oppose the proposed amendments based on a perception that the amendments would allow towers in parks by administrative approval with no review by the Park Board. However, the proposed amendments do not preclude Park Board review of a request for an administratively-approved tower in a park. Additionally, a request for an administratively-approved tower in a park would first require approval of a lease by the City Council or Park Board (depending upon land ownership). The City Council could adopt a policy requiring Park Board review of a lease for a tower on parkland. A summary of the Park Board comments at the October 8, 2007, meeting is attached.

The Metropolitan Area Planning Commission considered the proposed amendments and voted (6-2 with one abstention) to recommend adoption of the proposed amendments as recommended by staff. However, there is a statutory requirement that a majority of the membership of the MAPC vote affirmatively to recommend adoption of amendments to the zoning code. Since the MAPC vote was two votes short of the statutorily-required minimum, a two-thirds majority vote of the City Council is required in order to adopt the proposed amendments. The minutes of the MAPC hearing are attached.

Subsequent to the MAPC hearing the Director of Park and Recreation directed department staff to review the recommendation of the MAPC and provide an alternative recommendation to the Wichita Board of Park Commissioners. Park and Recreation Department staff reviewed the parks included on the map of properties eligible for an administratively-approved tower to determine if any parks should

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be removed from the map. The criteria used by staff to evaluate the appropriateness of parks for the construction of a tower include: the size of the park; the impact of a tower on future park development; the ability to screen the tower; the extent to which a tower would detract from the use or appearance of the park; and the ease of vehicular access to a tower site. On February 11, 2008, the Wichita Board of Park Commissioners considered the staff recommendation and voted to direct staff to evaluate the appropriateness of using athletic field light poles as wireless communication facilities and return with an updated recommendation on March 10, 2008. On March 10, 2008, the Wichita Board of Park Commissioners voted to include several large parks and several parks with athletic field light poles but recommended removal of the remainder of the parks from the map of properties eligible for an administratively-approved tower. A map entitled "Modifications Recommended by the Park Board" illustrates the recommendation of the Park Board.

On April 1, 2008, the City Council considered the proposed amendments. The City Council voted (7-0) to accept the recommendation of the Park Board regarding the map of the properties eligible for administratively-approved towers and to defer action on the proposed amendments to April 8, 2008, to allow time for City Council Members to determine if any further properties should be removed from the map for their district.

The proposed zoning code text amendments address the Economic Vitality and Affordable Living Goal by establishing reasonable regulations that balance the need for wireless communication services in the community with the need to mitigate negative impacts of wireless communication facilities on adjacent properties and overall community aesthetics.

The ordinance has been reviewed and approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

Skelton moved to adopt the findings in support of the proposed amendments as presented to the MAPC on October 18, 2007; adopt the proposed amendments to the Unified Zoning Code pertaining to the regulation of wireless communication facilities as presented to the MAPC on October 18, 2007 with modifications to the map of properties eligible for an administrative permit as recommended by the Park Board on March 10, 2008; also included in this motion are the properties that have been requested by to be made exempt by Council Members Skelton and Vice-Mayor Schlapp; and approve the first reading of the ordinance. Motion carried 6 to 0, (Longwell absent).

--carried

## ORDINANCE

An ordinance amending section III-d.6.g. and section vi.g.9. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 edition), as adopted by reference in City of Wichita Code Sec. 28.04.010 by ordinance no. 44-975 and creating section I. l. and Section V. l. of the Wichita-Sedgwick County Unified Zoning Code, pertaining to the regulation of wireless communication facilities. Introduced and under the rules laid over.

## **UNSAFE STRUCTURES REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES, 300 SOUTH ELIZABETH. (DISTRICT IV)**

Kurt Schroder

Office of Central Inspection reviewed the item.

Agenda Item No. 3.

This property was before the Board of Code Standards and Appeals (BCSA) on September 10, 2007. No one appeared to represent the property, no repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

On November 20, 2007 this case was before City Council. The property was sold at tax sale on September 5, 2007. City Council directed that the purchaser (Mr. Glen McDonald) be granted an additional ninety days to complete the exterior repairs, after receipt of the deed. If repairs were not completed, staff was directed to proceed with condemnation, demolition and removal of the structure.

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On March 20, 2008 Council Member Paul Gray directed staff to bring this back before City Council on April 8, 2008. The new owner of the property has requested until May 30, 2008, to complete the exterior repairs.

Staff made an inspection of the property on March 7, 2008. Some new windows had been installed, but no other repairs had been made to the structure.

Ownership was transferred to Mr. McDonald on November 16, 2007, but Mr. McDonald did not receive the deed, which has been recorded in his name. The 2007 taxes are delinquent in the amount of \$950.72, which includes specials. There are 2007 and 2008 special assessments for boardups, lot cleanup and weed mowing in the amount of \$1,373.27.

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

The owner/s has been informed of the date and time of the hearing.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard.

Glen McDonald

Mr. McDonald resides at 1700 Birch Brook Drive, Texas, stated that there was a mix up on the title and thinks they misplaced the title and he has verified that the title has been registered in his name and that is the primary reason he is requesting additional time.

Motion--  
--carried

Gray moved to give 60 days to finish the work and to pay the back taxes as soon as possible.  
Motion carried 6 to 0, (Longwell absent).

Resolution No. 08-177

A Resolution finding that the structure/s located on Lots 34 and 36 on Elizabeth Avenue, Lawrence's 4th Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 300 South Elizabeth, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

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## NEW COUNCIL BUSINESS

### **DANGEROUS DOG      APPEAL OF DANGEROUS DOG DETERMINATION BY MATTHEW BEAULIEU.** **(DISTRICT IV)**

Ed Flentje                      Interim City Manager stated this appeal has been withdrawn and this issue has been taken off the agenda.

(9:30 a.m. or soon thereafter)

### **UNSAFE STRUCTURES      REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.** **(DISTRICTS I, III, IV, VI)**

Kurt Schroeder              Office of Central Inspection reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Item No. 5.

On February 26, 2008, a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on April 8, 2008.

On February 4, 2008 the Board of Code Standards and Appeals (BCSA) held a hearing on the fourteen properties listed below:

<u>Property Address</u>	<u>Council District</u>
a. 620 North Cleveland	I
b. 945 North Wabash	I
c. 1806 East 12th Street North	I
d. 1701 North Grove	I
e. 2701 East Mossman	I
f. 2606 East 15th Street North	I
g. 1615 North Oliver	I
h. 2601 North Spruce	I
i. 158 North Poplar	I
j. 1735 South Main	III
k. 711 East Harry	III
l. 1334 South Bluffview	III
m. 839 West 55th Street South	IV
n. 2394 N. Hood	VI

Detailed information/analysis concerning this property are included in the attachments.

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure

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Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

Pursuant to State Statute, the Resolutions were duly published twice on February 29, 2008 and March 7, 2008. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

- Kurt Schroeder Office of Central Inspection stated that six speakers checked in this morning for the properties listed as A) 620 North Cleveland; D) 1701 North Grove; I) 158 North Poplar; J) 1334 South Bluffview; M) 839 West 55<sup>th</sup> Street South; and N) 2394 North Hood. Stated on the remaining properties, no one has appeared and Staff recommends that the Council take the action to precede with condemnation in items B) 945 North Wabash; C) 1806 East 12<sup>th</sup> Street North; E) 2701 East Mossman; F) 2606 East 15<sup>th</sup> Street North; G) 1615 North Oliver; H) 2601 North Spruce; and J) 1735 South Main.
- Motion--carried Brewer moved to take Staff's recommended action. Motion carried 6 to 0, (Longwell absent).
- Kurt Schroeder OCI reviewed item A) 620 North Cleveland, stated there were some delinquent taxes owed in the amount of \$600.00 and the owner has made an agreement with the county and is paying monthly to get those caught up to date. Stated he was out there yesterday and there was some minor debris on the property but the roof of this property is in very bad shape, which is the biggest issue along with some others such as siding and some foundation. Stated it is secured as of yesterday but there is some debris especially in the rear of the property. Stated the owner wants to save the property and has indicated that her son and son-in-law are now working with her to get contractors so that they can make the roof and foundation repairs and get it up to code on the exterior and get in un-boarded and she is looking for 90 days to get that done.
- Emma Jordan Ms. Jordan resides at 1820 South Erie, stated this was family property under her sister's name who has passed away. Stated it has not been put in her name because she has not taken the death certificate to have it put into her name. Stated every time the city contacts her about something regarding the property, she would have it cleaned up or board up the home. Stated she has complied with everything they have asked her to do. Stated she did not know about the BCSA meeting because the notice did not come to her address, which she had informed them about. Stated she does not have the money to fix up the house herself but her son and son-in-law is going to get contractors to come out and start work on the house and when fixed up she will rent it out.
- Motion--  
--carried Williams moved to take the recommendation of Staff of 60 days and that Staff stay in contact with the owner and follow the procedures that she is going through. Motion carried 6 to 0, (Longwell absent).
- Kurt Schroeder OCI reviewed item D) 1701 North Grove: stated that the major issue is the foundation and it has been vacant for quite some time. Stated the taxes are current and there is a for sale sign, and the owner is asking for additional time in order to sell the property and then give it to someone who can make those repairs to the foundation.
- Willis Washington Mr. Washington resides at 5604 North Lottie, Oklahoma City, Oklahoma, stated this property was deeded to him to get rid of it. Stated his first choice was to demolish the property but then decided to lower the price to try and sell it. Stated they have a couple who would like to purchase the property but would like to know the time frame that they would have to do the repairs.
- Council Member Skelton Council Member Skelton stated he is not going to vote to give any extensions based on the circumstances of the history of the lack of compliance with this property and looking at the house in its current condition, he is not going to support any extensions and thinks it needs to come down.
- Motion--carried Williams moved to follow through with Staff's recommendation of demolition. Motion carried 6 to 0, (Longwell absent).



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- Kurt Schroeder      OCI reviewed item I) 158 North Poplar: stated there is four or five years of delinquent taxes and the owner is not here but the neighbor is and his concern is that they have a shared driveway. Stated the Board is recommending proceeding with condemnation.
- Dan Lewis      Mr. Lewis resides at 156 North Poplar, stated he owns the property adjacent to this property and over the years this property next to his has gone through continual disrepair and vacancy and has been vacant for the last seven or eight years. Stated they have a partnership driveway, which has caused many problems with the last owner who wanted to put a fence along the property line in the middle of his partnership drive, which gave him no driveway. Stated his concern is that the City is going to take action, which will further damage the value of his property, which is deteriorated by the virtue of this structure being next to it. Stated he attempted to purchase the property at the last sale in 1992 but was able to prevail. Stated his intention at that time was to demolish the building and create a garage structure and widen the driveway, which he is unable to do at this time. Stated he would like to appeal to the Council not to take any action which would further the less than quite enjoyment of his property including the demolition itself. Stated he does not see how that can be demolished without eliminating his quite enjoyment of the partnership drive. Stated he would like to appeal to the Council to communicate with the county who will be making the tax sell because he would like the right to have first refusal on that property once it does come up for sale.
- Mayor Brewer      Mayor Brewer explained the Council does not get involved with telling the county how to address the tax portion and the only thing the Council does is take care of things that fall in the realm of our responsibility.
- Motion--  
--carried      Williams moved to take Staff's recommendation and go forward with demolition. Motion carried 6 to 0, (Longwell absent).
- Kurt Schroeder      OCI reviewed item L) 1334 South Bluffview: stated there is a new buyer who purchased it two weeks ago and has secured the property and cleaned up the premise and his intent is to try to fix it up in 60 days or less and is asking for time to do that. Stated taxes are current.
- (Council Member Fearey momentarily absent)
- Moses Thompson      Mr. Thompson resides at 4815 North Hydraulic, stated he was contacted by the owner about the price of demolishing this property and after discussing it he decided he would purchase the property. Stated his intention is to rip out the walls and replace the insulation and to repair the kitchen.
- Council Member Skelton      Council Member Skelton stated he has a District III Revitalization President from Hilltop that has asked to give Mr. Thompson an extension of time. Stated he is reluctant to do that but will listen to people and take in the desires of the Revitalization Committee. Stated if it was not for them he would have the property demolished.
- Billy Tucker      Mr. Tucker resides at 4140 Menlo, stated he is the Revitalization President for Hilltop. Stated they have put together a committee that he co-chairs to help revitalize this neighborhood and this house has been sitting like this for 15 years. Stated they want to fix up their neighborhood and cannot with property like this. Stated if it were left up to him, it would come down but the committee is requesting a written timeline to repair the property and date of completion and if the plan is not met in a timely manner, the committee requests that demolition be brought forth. Stated they are rebuilding Hilltop one board at a time and this is their starting place.
- Moses Thompson      Mr. Thompson stated when he looked at this property it was before there was a fire in it and he works for the City of Wichita's Environmental Department and he has done his research on this house and spoke to a realtor and he is not new at this. Stated if you demolish this house you will have a vacant lot that will have to be kept cut, cleared and dried and he will put this house back on the tax roll and by pulling a permit, should be the City's guarantee and the Council's, that the property will be done. Stated he would ask the Council not to judge this particular property based on the ones that you have done in the past because he just acquired the property a week ago and feels an injustice that the Council would feel that with his just acquiring the property and coming before the Council stating his intentions, to be so presumptuous as to believe that he is going to do the same thing. Stated he is not responsible for what happened 15 years ago.

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- Motion--  
--carried
- Skelton moved give 60 days on this property to bring it in compliance and if the work is not done after 60 days, he requests that Staff proceed with condemnation. Motion carried 6 to 0, (Longwell absent).
- (Council Member Skelton momentarily absent)
- Kurt Schroeder
- OCI reviewed item M) 839 West 55<sup>th</sup> Street South: Owner has started repairs; there is a newer roof and some siding repairs. Stated the owner has deceased and now it is in possession of a daughter who is the administrator of the property. Stated there are five years of taxes owed on this and are assuming this will probably be in a tax foreclosure sell in the near future. `The daughter wants time to sell the property before the tax sell. Stated that Staff's recommendation is demolition of the property.
- Sonja Davis
- Ms. Davis resides 110 North Doris, stated that she had a buyer lined up but that fell through and would like more time to try and sell it. Stated she has the property listed with a friend and need more time to advertise it and get it sold but will try and list it with a realtor.
- Council Member Gray
- Council Member Gray stated that being she is not making any effort to clean up the property or do anything to it, it is his opinion that he would rather see somebody dispose of property and have someone fix it up as opposed to just tearing it down and having a vacant lot. Stated there are people capable of fixing houses up and is willing to give her a chance as long as he knows she is doing that.
- Beatrice Adams
- Ms. Adams resides at 110 North Doris, gave an explanation of the house regarding ownership and taxes.
- Council Member Skelton
- Council Member Skelton stated that any motion regarding an extension, feels that the taxes should be paid in order for him to support this.
- Council Member Gray
- Council Member Gray stated since her effort is not to necessarily rehab the facility but to discharge in it sell, that it is not necessary for her to provide payment on the back taxes because when a title agent does a title search on this, the property will not properly be able to be conveyed from one party to another until the taxes are paid in full at that time. Stated our opportunity to get the tax money is increased if we give her the opportunity to sell the property. Stated that contingent upon cleaning up the property and securing the premises he will make a motion.
- Motion--  
--carried
- Gray moved to grant 60 days to come up with a valid purchaser for the property and or come up with a rehabilitation plan to fix up the property and that the taxes be paid at time of the sell and if not to follow the recommended action of condemnation. Motion carried 6 to 0, (Longwell absent).
- Kurt Schroeder
- OCI reviewed item N) 2394 North Hood: stated the owner of the property moved out of town and his father became involved. Stated the father has done some repairs to the siding, window and window sill repairs, and there is new roofing on it but it is not finished. Stated the biggest problem on this property is a 15 to 20 foot stretch of basement wall that has been totally removed, which was part of a project that his son had started. Stated they did get some block wall to support a portion of that but there is still a large gapping hole in that side of the basement. Stated he brought a plan today and his son will be returning and in May or June, they hope to complete the foundation work and other repairs on the property. Stated there are two abandoned vehicles on the property and quite a bit of debris.
- William Abbot
- Mr. Abbot resides at 16418 West 51<sup>st</sup> Street South, Clearwater, Kansas, stated he is requesting 60 days to finish this and have nearly made all of the repairs that are superficial. Stated he has pulled a permit to work on and repair the foundation. Stated he and his wife may live in the home when done. Stated he has secured the property so that people cannot get in there and has contracted with a towing company to remove the vehicles.
- Motion--  
--carried
- Fearey moved to allow 30 days to fix the foundation, 60 days for the remainder of the work and for OCI Staff to check it as often as they feel necessary to make sure the work is progressing, and within 15 days all the debris gone from around this house and keep the graffiti off the fence. Motion carried 6 to 0. (Longwell absent).

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## Resolution No. 08-178

A Resolution finding that the structure/s located on Lots 6 and 7, Cleveland Avenue, Shirks Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 620 N. Cleveland, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-179

A Resolution finding that the structure/s located on Lots 1 and 3, on Wabash Avenue, Moores Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 945 N. Wabash, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-180

A Resolution finding that the structure/s located on the east 50 feet of Lot 53, 54, 55 and 56, on Kansas Avenue, Rosenthals 2nd Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1806 E. 12th St. North, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-181

A Resolution finding that the structure/s located on Lots 39, 41, 43 and 45, on Tyler, now Grove Avenue, Logan Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1701 N. Grove, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-182

A Resolution finding that the structure/s located on the east 13 feet of Lot 25, all of Lot 27 and the west 12 feet of Lot 29, Alice's Subdivision of Lots 16, 17, 18, 19 and 20, in Mossman's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 2701 E. Mossman, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-183

A Resolution finding that the structure/s located on the west 74 feet of Lots 2, 4, 6 and 8 on Schiller Avenue, now Green Street, Fairmount Orchard Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 2606 E. 15th St. North, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-184

A Resolution finding that the structure/s located on Lot 3, Block 2, Ken Mar Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1615 N. Oliver, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

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## Resolution No. 08-185

A Resolution finding that the structure/s located on Lot 20, Block 4, Ridgecrest Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 2601 N. Spruce, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-186

A Resolution finding that the structure/s located on Lot 1 and the North Half of Lot 3, Poplar Avenue, Oliver's Subdivision of Block 5, Chautauqua Addition, Sedgwick County, Kansas to the City of Wichita, Sedgwick County, Kansas, commonly known as 158 N. Poplar, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Williams moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-187

A Resolution finding that the structure/s located on Lots 78 and 80, on Main Street, English's Sixth Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1735 S. Main, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-188

A Resolution finding that the structure/s located on Lot 6, Harry Street Subdivision of Lot 2 and 4, Block 3, Allen & Smith's Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 711 E. Harry, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-189

A Resolution finding that the structure/s located on Lot 3, Block G, Hilltop Manor Subdivision, a replat of part of Hilltop Manor and Hilltop Manor Second to the City of Wichita, Sedgwick County, Kansas, commonly known as 1334 S. Bluffview, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-190

A Resolution finding that the structure/s located on the West One Half of the West One Acre of the East Two Acres of the North Seven One-Half Acres of the Northwest Quarter of the Northwest Quarter of Section 29., Township 28 South, Range One of East of the Sixth P.M., Sedgwick County, Kansas to the City of Wichita, Sedgwick County, Kansas, commonly known as 839 W. 55th St South, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

## Resolution No. 08-191

A Resolution finding that the structure/s located on Lots 1 and 3 on Guthrie Avenue, now Hood, River Bend Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 2394 N. Hood, is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Fearey moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer. (Longwell absent.)

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## **BACKGROUND INV.     CONTRACT FOR PROVIDING BACKGROUND INVESTIGATIONS.**

Sarah Gilbert

Director of Human Resources reviewed the item.

Agenda Item No. 6.

The City of Wichita uses the services of a private contractor for background investigations of applicants and employees. The contract of the current contractor, American DataBank, expires on April 30, 2008.

On January 10, 2008, a Request for Proposals was issued. Twenty-five proposals were received. Negotiations with the top proposer, DDS Employee Screening Services, were successful.

The investigations will include nation-wide criminal and driving records, sex offender registries, and in some cases, education, professional certifications, and credit checks. Under the contract, most investigations will be completed within 24 to 72 hours.

The new contract amount is \$50,755, based on projected numbers of investigations, which is \$14,943 less than the previous contract. Although the new contract contains more investigation items, technology advancements have reduced the cost. The contract lists, and the City will be billed, by individual investigation items.

Internal Perspectives. Accurate, timely, and affordable background investigations increase productivity by streamlining the hiring process.

The Law Department has reviewed and approved the contract as to form. The contract will be for one year with annual renewable options for two (2) years.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Brewer moved to approve this contract and authorize the necessary signatures. Motion carried 6 to 0, (Longwell absent).

## **DESIGN AGREEMENT     DESIGN AGREEMENT: KELLOGG, FROM 1400' EAST OF 151ST STREET WEST TO 1/2 MILE WEST OF MAIZE. (DISTRICT V)**

Jim Armour

City Engineer reviewed the item.

Agenda Item No. 7.

The 2007-2016 Capital Improvement Program (CIP) includes funding to design West Kellogg improvements. On June 10, 1997, the City Council approved a contract with Professional Engineering Consultants (PEC) to begin preliminary design work for a Kellogg Freeway, from Mid-Continent Road to 151st Street West. The City Council subsequently approved supplemental agreements with PEC to design the Kellogg Interchanges at Maize and Tyler, and the South Frontage road from 119th St. West to 135th St. West. A Supplemental Agreement Number 4 has been prepared to continue the design of the Kellogg Freeway to 1400 feet east of 151st St. West.

Public Works staff is recommending that P.E.C. be awarded the contract for this design through this Supplemental Agreement as they presently have the design work for the south side frontage road, from 119th to 135th Streets West, which includes most of the length of this project. Doing this should reduce survey costs and ensure consistent designs for both projects.

The design concept is a six-lane freeway with interchanges at 119th St. West and 135th St. West.

The CIP budget is \$4,000,000 with the total paid by the Local Sales Tax. The PEC design fee is \$3,464,469 for the freeway and \$245,003 paid by the Water Utility to design waterlines.

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This project addresses the Efficient Infrastructure goal by providing a safe and efficient transportation system. It addresses the Economic and Affordable Living goal by providing a public improvement which reduces the cost of transportation. It also improves the air quality of the region whereby the goal of a Safe and Secure Community is met by improving environmental health.

The authorizing Ordinance and Agreement have been approved as to form by the Law Department.

Mayor Brewer

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved to approve the design project, approve the Agreement, place the Ordinance on first reading, and authorize the signing of State/Federal agreements as required. Motion carried 6 to 0, (Longwell absent).

--carried

## ORDINANCE

An ordinance declaring Kellogg, from 1,400 feet east of 151st St. west to one half mile west of Maize (472-84707) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Introduced and under the rules laid over.

## PLANNING AGENDA

Motion--

Brewer moved that Planning Consent items 8 through 10 be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0, (Longwell absent).

--carried

**SUB 2007-96**

## **SUB 2007-96 -PLAT OF CHAUTAUQUA ADDITION LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF HILLSIDE. (DISTRICT I)**

Agenda Item No. 8.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site consists of two lots on .34 acres and is located within Wichita's city limits. It is zoned SF-5 Single-family Residential. A vacation case (VAC 2006-47) has been approved for the vacation of street right-of-way.

Sanitary sewer services are available to serve the site. Paving and water improvements were requirements of the vacation case. Off-site Drainage Easements have been provided and recorded with the Register of Deeds.

The Planning Commission has approved the plat subject to conditions.

Ensure Efficient Infrastructure.

Motion--

Brewer moved to approve the plat and authorize the necessary signatures. Motion carried 6 to 0, (Longwell absent).

--carried

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VAC2007-00038

**VAC2007-00038-REQUEST TO VACATE PORTIONS OF A PLATTED STREET RIGHT-OF-WAY. GENERALLY LOCATED WEST OF OLIVER AVENUE, SOUTH OF DOUGLAS AVENUE. (DISTRICT II)**

Agenda Item No. 9.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicants are requesting the vacation of what can be generally described as the north and south 20 feet of the platted 100 foot English Street right-of-way (ROW), located between Fountain Avenue and Willow Street. The applicants propose to keep the existing sidewalks located in the ROW, while trying to not go below the current standard of a 60 foot ROW for a residential street, which is what this portion of English Street is classified. The proposed vacation will essentially bring most, if not all of the applicants' front yards up to the inside edge of the sidewalks on both sides of English. It will also remove a partially constructed retaining wall located on Lot 25, Block 2, Merriman Park Second Place Addition from this public street ROW. There are no platted setbacks, therefore all the setbacks established by the Unified Zoning Code (UZY) for the participating properties will move forward with the newly established property lines. The participating properties' zoning will also follow the new property lines. Water is located on the outside edge of the south sidewalk, out of the proposed vacated ROW. Additional easement has been dedicated, through the Vacation Order, to provide access to a sewer line located between Lot 16 (west) and Lots 23, 24 and 25 (east), which are included in Block 2, the Merriman Park Second Place Addition. The Merriman Park Second Place Addition was recorded with the Register of Deeds on May 16, 1912. The OA White's Addition in Merriman Addition was recorded with the Register of Deeds on March 15, 1917. The Hammond Terrace Addition was recorded with the Register of Deeds on October 20, 1917.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved to follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures. Motion carried 6 to 0, (Longwell absent).

VAC2008-00005

**VAC2008-00005-REQUEST TO VACATE A PORTION OF A PLATTED SETBACK. GENERALLY LOCATED EAST OF TYLER ROAD, SOUTH OF 29TH STREET NORTH. (DISTRICT V)**

Agenda Item No. 10.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to vacate the east 3 feet of the platted 15 foot street side yard setback, making it a 12 foot street side yard setback. The subject site is Lot 13, Block D, the Fossil Rim Estates Addition. The subject site is zoned "SF-5" Single-family Residential. The Unified Zoning Code (UZY) requires a minimum of a 15 foot street side yard setback for the SF-5 zoning district, which matches the site's platted setback. If this was not a platted setback, the applicant could have applied for an Administrative Adjustment. This would reduce the site's 15 foot street side yard setback by 20%, resulting in a 12 foot setback, which is what the applicant is requesting. There are no platted easements within the platted setback. There are no utilities, manholes, sewer or water lines within the described portion of the platted setback. The Fossil Rim Estates plat was recorded with the Register of Deeds on May 31, 2002.

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The MAPC voted (10-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--  
--carried

Brewer moved to follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures. Motion carried 6 to 0, (Longwell absent).

## COUNCIL MEMBER APPOINTMENTS

Mayor Brewer

Mayor Brewer reported that he has received Alicia Martinez-Newell's resignation from the City Manager's Selection Committee, due to travel and job conflicts and she cannot fulfill the requirements of being able to be there.

Motion--  
--carried

Brewer moved that Gwynne Birzer be her replacement on the City Manager's Selection Committee. Motion carried 6 to 0, (Longwell absent).

## CONSENT AGENDA

Council Member Skelton

Council Member Skelton asked that item 20 is pulled for questions.

Motion--  
--carried

Brewer moved that Consent items 13 through 21b, be approved in accordance with the recommended action shown thereon, excluding item 20. Motion carried 6 to 0, (Longwell absent).

## **BOARDS OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 7, 2008**

Bids were opened April 4, 2008, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Douglas Avenue Drainage Outfall Project, Phase 2: Wabash Water Main Replacement; 3rd Street Sanitary Sewer Replacement; 3rd Street North Water Main Extension west of Hydraulic, north of Douglas (468-84060a/660798/636197/636198/620475/864501/ 778587/778588/667593) See Special Provisions & Plan sheets. (District I, VI)

WB Carter Construction - \$1,931,000.00

2008 Contract Maintenance Bridge Rail Rehabilitation Wassell & Spruce and Mosley & 20th Street North Bridges (472-84670/132721/) Traffic to be maintained during construction using flagpersons & barricades. (District III, VI)

Bridges Inc. - \$140,850.00 Base bid



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2008 Sanitary Sewer Reconstruction, Phase 3 north of 21st Street North, east of Amidon (468-84501/620503/668622) Traffic to be maintained during construction using flagpersons & barricades. (District VI)

Wichita Excavation Inc. - \$40,595.00

Douglas & Oliver Intersection (472-84609/706970/207436) Traffic to be maintained during construction using flagpersons & barricades. (District III)

Pavers Inc. - \$1,254,539.62 Base bid  
\$140,628.42 Add alternate  
\$1,395,168.04 Bid Total

Motion-- Brewer moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the necessary signature be authorized.  
--carried Motion carried 6 to 0, (Longwell absent).

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

New Operator	2008	(Consumption off Premises)
Martha A. Vasquez	Super del Centro Pawnee LLC	2425 South Hillside SU 900

Renewal	2008	(Consumption on Premises)
Scott L. Webb	Delano Barbecue Co., LLC	*710 West Douglas
Steven T. Knolla	Knolla's Pizza East LLC	* 7732 East Central Suite 123

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--carried Brewer moved to approve licenses subject to staff review and approval. Motion carried 6 to 0, (Longwell absent).

## PREL. ESTIMATES

### PRELIMINARY ESTIMATES:

- Water Main in Rock Road, 53rd Street North to K-254 (north of 53rd Street North, west of Rock Road) (448-90196/635678/766729) Traffic shall be maintained during construction using flagpersons and barricades. (District Kechi) - \$771,250.00
- 2008 Contract Maintenance Mill & Overlay (north of 47th Street South, east of 135th Street West) (472-84661/132721/) Traffic shall be maintained during construction using flagpersons and barricades. (District I, II, III, IV, V, VI) - \$720,462.00
- Lateral 409 Four Mile Creek Sewer to serve Brentwood South 3rd Addition (north of Pawnee, east of Webb) (468-84492/744273/480962) Does not affect existing traffic. (District II) - \$77,000.00
- Water Distribution System to serve Brentwood South 3rd Addition (north of Pawnee, east of Webb) (448-90368/735407/470080) Does not affect existing traffic. (District II) - \$43,000.00

Motion--carried Brewer moved to receive and file. Motion carried 6 to 0, (Longwell absent).

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## PETITION

### **STREET PAVING IN COUNTRY HOLLOW ADDITION, SOUTH OF KELLOGG, EAST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Item No. 16a.

On January 10, 2006, the City Council approved a petition to pave streets in Country Hollow Addition. The developer has submitted a new Petition to modify the scope of the project to reflect current marketing conditions. The signature on the Petition represents 100% of the improvement district. The project will provide street paving for a new residential development located south of Kellogg, east of 127th St. East.

The existing Petition totals \$394,000. The new Petition totals \$430,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing street paving required for a new residential development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Brewer moved to approve the new Petition, adopt the Resolution and authorize the necessary signatures. Motion carried 6 to 0, (Longwell absent).

## RESOLUTION NO. 08-192

Resolution of findings of advisability and resolution authorizing constructing pavement on Laguna/Glen Wood, from west line of Lot 7, Block 4 to the south line of Lot 12, Block 4; paving Sierra Hills from the south line of Laguna to the south line of Lot 1, Block 5; paving Glen Wood court serving Lots 13 through 24, Block 5 from the east line of Glen Wood to and including the cul-de-sac; paving Laguna Circle serving Lots 2 through 12, Block 5 from the east line of Laguna to and including the cul-de-sac; Gilbert Court serving Lots 20 through 28, Block 4 from the south line of Gilbert to and including the cul-de-sac; and paving Gilbert from the west line of Lot 28, Block 4 to the east line of Lot 20, Block 4 (south of Kellogg, east of 127th St. East) 472-84351 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## PETITION

### **CONSTRUCT 13TH STREET AND WEBB ROAD LEFT TURN LANE TO SERVE FOLIAGE CENTER AND COUNTRY CLUB PARK ADDITIONS AT 13TH STREET, WEST OF WEBB. (DISTRICT II)**

Agenda Item No. 16b.

The Petitions have been signed by two owners representing 100% of the improvement districts.

The projects will provide paving improvements for new commercial development at 13th Street, west of Webb.

The Petitions total \$235,000. The funding source is special assessments.

These projects address the Efficient Infrastructure goal by providing for the construction of paving improvements for a new development.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

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Motion--  
--carried

Brewer moved to approve the Petitions, adopt the Resolutions and authorize the necessary signatures. Motion carried 6 to 0, (Longwell absent).

## RESOLUTION NO. 08-193

Resolution of findings of advisability and resolution authorizing constructing a left turn lane on 13th street for eastbound traffic into a major entrance (north of 13th, west of Webb) 472-84688 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## RESOLUTION NO. 08-194

Resolution of findings of advisability and resolution authorizing constructing a left turn lane on Webb road for northbound traffic into major entrances (north of 13th, west of Webb) 472-84689 in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## DEEDS/EASMENTS

### DEEDS AND EASEMENTS:

- a. Sanitary Sewer Easement dated March 6, 2008 from RRGNL, LLC, a Kansas Limited Liability Company for a tract of land lying in a part of Lot 1, Block 1, Ridge Port Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- b. Quit Claim Deed dated March 6, 2008 from RRGNL, LLC, a Kansas Limited Liability Company for a tract of land lying in a part of Lot 1, Block 1, Ridge Port Addition, Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City
- c. Utility Easement dated February 28, 2008 from Patrick Fugate, for a tract of lying in a portion of the SE ¼ of Sec. 7, Twp. 28-S, R-1\_w of the 6th P.M., Sedgwick County, Kansas (OCA # 744225). No Cost to City

Motion--carried

Brewer moved to accept documents. Motion carried 6 to 0, (Longwell absent).

## CONTRACTS

### MARCH 2008 MONTHLY CONTRACTS & AGREEMENTS REPORT TO COUNCIL.

Motion--carried

Brewer moved to receive and File. Motion carried 6 to 0, (Longwell absent).

## INDIAN CENTER

### MID-AMERICA ALL-INDIAN CENTER IMPROVEMENT, MAAIC. (DISTRICT VI)

Agenda Item No. 19.

The MAAIC is the only Native American organization in Wichita, which provides tourism activities, Native American cultural programs and social services to Native Americans.

On October 4, 2005, City Council meeting approved a CIP project, which would provide needed improvements and modifications to the facility and authorized staff to select a consultant.

On March 21, 2006, City Council approved a contract with Schaefer Johnson Cox Frey Architecture (SJCF) to provide architectural/engineering services and other related items for the design and construction of the improvements/modifications.

Phase I improvements included renovation of the museum/gallery area including new wall covering, a higher level of lighting, new floor covering, security system, upgrades to the HVAC system and a humidification system compatible to a museum environment. This work was bid December 14, 2007 with construction currently underway.

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Phase II improvements will include remodeling of the interior space outside the gift shop/museum wing. This will include but not be limited to replacement of the quarry tile floor, ADA modifications as required by the ADA Facilities Study, kitchen upgrades, and elevator for 2nd level access, wall finishes, carpet and security.

For the Phase II design, bid and specifications documents, preparation bidding and construction administration and other related items, a single lump sum fee including reimbursable expenses of \$43,000 has been negotiated. This fee is based on a construction budget of \$460,000.

The project is authorized in the approved 2007-2016 Capital Improvement Program (CIP), Cultural Facilities Enhancements (Project No. 435427, OCA No. 792502 MAAIC, 792503 Cow town and 792504 Kansas Aviation Museum). GO funding is a total of \$1 million annually to be shared between the three facilities each year in 2008, 2009 and 2010.

This project addresses the Efficient Infrastructure goal by maintaining public facilities and assets.

The Law Department has approved the Contract as to form.

Motion--  
--carried

Brewer moved to approve the Contract Amendment and authorize the necessary signatures. Motion carried 6 to 0, (Longwell absent).

## (ITEM 20) CREDIT CARD

### MUNICIPALITY RESOLUTION TO OBTAIN CREDIT CARD ACCOUNT.

Agenda Item No. 20.

The City of Wichita has maintained a credit card account since 1997. The users have grown over the past 10 years to over 378 cards. The City currently has a contract with Commerce Bank to issue these cards at no cost to the City. The City receives revenue sharing for card usage with our current bank, if the average transaction for the month is above \$300.00. Using the card has lowered the volume of invoices coming into the City to be prepared for payment through check or ACH. The City's current usage of credit cards is over 20,000 transactions annually.

This resolution will give authority to the Credit Card Administrator, Purchasing Manager and the Purchasing Manager's designee to establish credit card accounts on behalf of the City of Wichita.

There is no cost to the City for these accounts.

Resolution as approved as to form by the Law Department.

Increased productivity by increasing purchases made from credit cards.

Purchases with credit cards would lower the volume of invoices coming into the City to be paid using less time and supplies to accomplish the accounts payable process. While reducing costs utilizing the purchasing card to acquire commodities and receiving revenue share.

Council Member Skelton Council Member Skelton stated he sees that there are 378 credit cards out there and asked what we have in place as far as spending control and audit procedures.

Ed Flentje Interim City Manager stated that there are only two for travel and the rest are essentially used for small purchases and as a result have saved the departments money by the use of credit cards rather than processing all the paper work necessary for small purchases.

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Kelly Carpenter

Director of Finance explained that the cardholder goes through a complete training program so that they understand all of the rules and regulations of the program and once they make any purchases it goes to their supervisor and then it goes to a department head for review and then to the credit card administrator and finance that reviews all of the detailed charges to insure that they are complying with all of the rules and regulations of our manual.

Motion--  
--carried

Skelton moved to approve the resolution as written establishing the credit card account. Motion carried 6 to 0, (Longwell absent).

## RESOLUTION NO. 08-212

A resolution authorizing the credit card administrator, purchasing manager or contract compliance officer to direct and establish credit card accounts with the Commerce Bank, N.A. (Omaha, Ne.) and forward to the mayor for execution all documents which the governing body has approved to effectuate this purpose, including without limitation any application and agreement to open the accounts, presented. Skelton moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ APRIL 1, 2008)

- a. Public Hearing on the Establishment of a Redevelopment District (Tax Increment Financing) for the C.O.R.E. Redevelopment Project. (District VI)

#### ORDINANCE NO. 47-867

An ordinance of the city of Wichita establishing the C.O.R.E. Redevelopment District, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

- b. ZON2007-69/CON2008-03-Zone Change from "SF-5" Single-family Residential to "LC" Limited Commercial Zoning with a Conditional Use for a nursery and garden center; generally located east of Hoover Road and south of 25th Street North, 2530 North Hoover Road. (District V)

#### ORDINANCE NO. 47-868

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section v-c, as adopted by section 28.04.010, as amended, read for the second time. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0: Fearey, Gray, Schlapp, Skelton, Williams and Brewer, (Longwell absent).

Motion--carried

Brewer moved that the ordinances be adopted. Motion carried 6 to 0, (Longwell absent).

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## RECESS

### EXECUTIVE SESSION

Motion--

Brewer moved at 11:07 a.m., that the City Council recess into Executive Session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice, personnel matters of non-elected personnel, and preliminary discussions relating to the acquisition of real property for public purposes and that the Council return from Executive Session no earlier than 12:00 p.m. and reconvene in the City Council Chambers on the First Floor of City Hall.

--carried

Motion carried 6 to 0, (Longwell absent).

## RECONVENE

The Council reconvened in the Council Chambers at 12:13 p.m. Mayor Brewer stated that the Council has returned from Executive Session, there was no action taken and there is no action needed as a result of the Executive Session.

Motion--carried

Brewer moved that the Executive Session be closed. Motion carried 4 to 0, (Fearey, Gray, and Skelton absent).

Motion--carried

Brewer moved that the regular meeting be adjourned. Motion carried 4 to 0, (Fearey, Gray, and Skelton absent).

## ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

Respectfully submitted,

Karen Sublett, CMC  
City Clerk

\*\*\*Workshop followed in the First Floor Board Room\*\*\*